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May 4, 2012

VIA ECF

The Honorable David N. Hurd
United States District Court
for the Northern District of New York
Alexander Pirnie Federal Bldg.
10 Broad Street
Utica, NY 13501

U.S. DISTRICT COURT
ND OF NY
FILED

MAY 07 2012

LAWRENCE K. BAERMAN, Clerk
UTICA

**Re: Utica Mutual Ins. Co. v. Fireman's Fund Ins. Co.,
No. 6:09-CV-0853 (DNH/TWD)**

Dear Judge Hurd:

We are counsel for Utica Mutual Insurance Company in the captioned matter.

On September 21, 2011, Utica filed a Motion for Protective Order with respect to certain documents that Utica had provided to Fireman's Fund Insurance Company. Dkt. No. 83. In connection with the Motion for Protective Order, Utica sought leave to submit certain information for in camera review by Magistrate Judge Dancks. Dkt. No. 115. On April 24, 2012, Magistrate Judge Dancks denied Utica's request. Text Order dated April 24, 2012. Utica's Motion for Protective Order remains pending, and the briefing for that motion should be completed by May 8, 2012. Text Order dated May 2, 2012.

Under Federal Rule of Civil Procedure 72(a), a party can serve and file objections to an order from a Magistrate Judge within 14 days after being served with a copy of the order. Given that Utica's request related to the in camera submission was made in connection with the underlying Motion for Protective Order that remains pending, it is not clear if – in this context – the deadline under Rule 72(a) would start to run from the date of the decision about the in camera submission or the date of the decision for the Motion for Protective Order. Moreover, depending on how the Motion for Protective Order is resolved, there may be no need for Utica to file objections. For example, Magistrate Judge Dancks may grant Utica's motion, rendering any objections about the in camera submission moot.

Accordingly, Utica requests that the Court toll the applicable deadline to file objections to the Order dated April 24, 2012 until Magistrate Judge Dancks rules on Utica's Motion for Protective Order, thus, making any objections to the April 24, Order due 14 days after the decision on the underlying Motion for Protective Order. *See generally*, Fed. R. Civ. P. 6(b)(1) ("When an act may or must be done within a specified time, the court may, for good cause,

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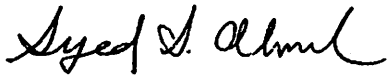
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extend the time . . ."); *Knod v. Dir., Tex. Dep't Crim. Justice-Corr. Insts. Div.*,
No. 6:11cv140, 2011 U.S. Dist. LEXIS 103420, *4 (E.D. Tex. Sept. 13, 2011) (District Judge
granting extension of time to file objections "in the interests of justice").

We have conferred with FFIC's counsel and have been advised that FFIC takes no position on
Utica's request.

Respectfully submitted,,



Syed S. Ahmad

SO ORDERED:



DAVID N. HURD

United States District Judge

Dated: 5/7/2012

Utica, NY